

February 26, 2019

Mr. John Canoles
Eco-Science Professionals Inc.
P O Box 5006
Glen Arm MD 21057

RE: Chandler Property (William M. B. Jr. & Karen)
2890 Anderson Rd. White Hall MD 21161
Forest Buffer Variance
Tracking Number: 03-18-2834

Dear Mr. Canoles:

The Department of Environmental Protection and Sustainability (EPS) has completed a review of the request for a variance from Baltimore County Code Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains submitted for the above referenced property. This request proposes to impact 4,675 linear feet of the forest buffer for the continued use of an existing trail network, including two stream crossings, and a 5,200 square foot picnic area. Access to the property to protect the property from unauthorized users, passive recreation, relaxation, picnicking, and nature study are the uses intended by the property owners. The applicant proposes to cease maintenance of trails on the north side of Deer Creek and to cease mowing in all other areas within the required forest buffer. The forest buffers are associated with Deer Creek and tributaries to Deer Creek (Use III waters).

This Department has reviewed your request, and has determined that a practical difficulty/unreasonable hardship does exist as complying with the full extent of the law would not allow the continued existing use of any access trails or passive recreation areas that have been used by the property owner for many years. In addition, the majority of the trails and a small tractor bridge and a foot bridge over a small tributary stream had existed in some form since a time prior to the current ownership. Also, the potential for impacts to water quality and aquatic resources as a result of this proposal can be minimized by performing mitigative measures. Based on this review, the proposed continued existing use of some trails, the picnic area, the small tractor bridge and foot bridge over the smaller tributary within the required forest buffer on this property meet the requirements of Baltimore County Code Section 33-3-106. The approval is subject to the following conditions to minimize water quality impacts:

1. The existing bridge over Deer Creek may not be used for motorized vehicles. At such time as that this structure becomes non-serviceable, it shall be removed, properly disposed of, and the area stabilized with native vegetation as necessary.
2. Mowing and maintenance of the trails on the north side of Deer Creek shall cease.

3. Other than the maintenance of the 10-foot wide existing trails and the picnic area in the current locations shown on the plan, all other forest buffer easement covenants, conditions, and restrictions shall be applicable. All other areas within the forest buffer must be allowed to regenerate to forest.
4. Remove junk from the forest buffer for proper disposal, and stabilize the area with native vegetation as necessary.
5. While EPS will allow the continued use of the existing tractor bridge and foot bridge over the small stream flowing to Deer Creek from the west, any proposal to replace these bridges must be proposed in application for a Baltimore County permit.
6. The following notes must appear on all plans submitted for this project:

“On February 26, 2019, a variance was granted by the Baltimore County Department of Environmental Protection and Sustainability from Baltimore County Code Article 33, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains for the continued existing use of trails, a picnic area, a small bridge and foot bridge over a small tributary to Deer Creek within the required forest buffer for this residential property. Conditions were placed on this variance to reduce water quality impacts.
7. The proposed continued existing uses and the mitigation to be performed within the required forest buffer shall be outlined in a forest buffer protection plan (FBPP). The FBPP must be approved and the property must comply with all FBPP requirements prior to September 26, 2019, or prior to the approval of any permits, whichever comes first.
8. The required forest buffer easement shall be recorded in Baltimore County Land Records along with the appropriate declarations of protective covenants, conditions, and restrictions.
9. The forest buffer easement shall be permanently posted with “Forest Buffer - Do Not Disturb” signs as outlined in the FBPP required for this project.
10. Any grading and sediment control plans, and building permits for this project must be reviewed and approved by this office.
11. All conditions of this variance must be completed to the satisfaction of this Department prior to September 26, 2019 or prior to any permit approvals unless otherwise stated above.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout or plan information may require approval of an amended variance request.

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Please have the property owner sign the statement at the end of this letter, and return the signed original of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Paul Dennis at (410) 887-3980.

Sincerely yours,

David V. Lykens
Acting Director

DVL: pad

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I/We agree to the above conditions to bring my/our property into compliance with Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 3. Protection of Water Quality, Streams, Wetlands, and Floodplains:

Property Owner(s)

Date

Printed Name(s) of Property Owner(s)